IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 16996 of 2004

Between:

Uppala Satyanarayana, S/o. Lakshmi Narayana,
R/o. 3-6-1, Rajeswaripuram, Block No. 16,
T.S.No.1407, Guntur, Guntur District.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation,
Guntur, Guntur District.
2 The Chief City Planner, Municipal Corporation, Guntur,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the respondents not to demolish the premises bearing No. 3-6-1, (including the compound wall) situate in Rajeswari Puram, block No. 16, T.S.No.1407, Guntur Town, Guntur District by declaring the action of the respondents in demolishing the structures without following due process of law as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for Respondents: MR.T.S.VENKATARAMANA

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

Petitioner purchased the house property bearing D.No.3-6-1 situated in Raja Rajeswari Puram, Block No.16, T.S.No.1407, Guntur Town, under a registered sale deed dated 18-8-2003 from one Medasani Madhav and residing therein since then. It is the case of the petitioner that his vendor obtained permission for construction of the building and compound wall from the first respondent vide proceedings B.A.No.617/2002/G2, dated 6-1-2003 and the same was constructed strictly in accordance with the approved plan. The officials of the respondent-corporation visited the premises on
020-9-2004 and insisted for removal of the compound wall constructed on the northern side, without issuing any notice.

Learned counsel for the respondent-corporation submits that if any action is taken for removal of the construction made by the petitioner, if it is made contrary to the sanctioned plan, the corporation officials will follow the procedure under the

Hyderabad Municipal Corporation Act (for short 'the Act'), which is made applicable to the Guntur Municipality also.

Having regard to the said submission, the respondents are hereby directed not to demolish the structure or any part of the structure bearing D.No.3-6-1 of Raja Rajeswari Puram, Guntur Town (including the compound wall) made by the petitioner without following the procedure contemplated under the Act and issue notice to the petitioner pointing out the deviations, if any.

With the above direction, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

21st September, 2004.
Js.

ASSISTANT REGISTRAR

To
1 The Commissioner, Municipal Corporation,
Guntur, Guntur District.
2 The Chief City Planner, Municipal Corporation, Guntur,
Guntur District.
3 2 CD copies.